

Message Text

LIMITED OFFICIAL USE

PAGE 01 SANTO 01152 102122Z
ACTION DLOS-06

INFO OCT-01 ARA-06 IO-13 ISO-00 FEA-01 ACDA-07 AGRE-00
AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 COME-00 DODE-00
DOTE-00 EB-08 EPA-01 ERDA-05 FMC-01 TRSE-00 H-01
INR-07 INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01
OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06
SAL-01 /115 W

-----102132Z 112701 /73

P R 102010Z MAR 77
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC PRIORITY 9942
INFO USMISSION USUN NEW YORK
USMISSION GENEVA

LIMITED OFFICIAL USE SANTO DOMINGO 1152

E.O. 11652: N/A
TAGS: LOS, DR
SUBJECT: PROPOSED DOMINICAN LEGISLATION TO EXTEND MARITIME
JURISDICTION

REF: (A) SANTO DOMINGO 1024, (B) SANTO DOMINGO 1026

1. AS INDICATED PARA 4, REF A, AMBASSADOR ARRANGED MEETING WITH
FOREIGN SECRETARY JIMENEZ FOR MARCH 4. SINCE FOREIGN SECRETARY
WAS SUDDENLY CALLED AWAY AT APPOINTED TIME, HE ASKED AMBASSADOR
MEET WITH FOREIGN UNDERSECRETARY MARTE DE BARRIOS, WHO IS KNOWL-
EDGEABLE ON SUBJECT.

2. NOTING THAT SOME POINTS OF DOMINICAN LEGISLATION WOULD CONFLICT
WITH US POSITIONS, AMBASSADOR, PURSUANT TO HIS DISCUSSION WITH
D/LOS, PROPOSED TO MARTE DE BARRIOS THAT A FEW SMALL CHANGES WOULD
MAKE THE LEGISLATION MORE CONSISTENT WITH US POSITIONS AND INCREASE
DOMINICAN FLEXIBILITY IN LOS NEGOTIATIONS. PROPOSED CHANGES WERE:
(A) ADDING "IN CONFORMITY WITH INTERNATIONAL LAW" TO PARAS 3 AND 4

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 SANTO 01152 102122Z

OF ARTICLE 5; AND (B) IN ARTICLE 6 CHANGING THE WORD "LEGITIMATE"
TO "REASONABLE" AND DELETING "RELATED TO NAVIGATION AND COMMUNICA-
TION." UNDERSECRETARY MARTE DE BARRIOS STATED SHE WOULD CONVEY
AMBASSADOR'S POINTS TO FOREIGN SECRETARY.

3. DURING VISIT TO FOREIGN SECRETARY MARCH 8,
CHARGE INQUIRED RE STATUS OF PROPOSED LEGISLATION AND JIMENEZ'

VIEWS ON POINTS RAISED BY AMBASSADOR IN CONVERSATION WITH UNDER-SECRETARY MARTE DE BARRIOS. JIMENEZ CONFIRMED THAT BILL HAD PASSED THE HOUSE BUT FOREIGN OFFICE HAD REQUESTED SENATE TO HOLD IT UP PENDING STUDY OF PROPOSED CHANGES.

4. AFTER REVIEWING PROPOSED CHANGES IN TEXT JIMENEZ WONDERED WHAT PURPOSE WOULD BE SERVED BY ADDING "IN CONFORMITY WITH INTERNATIONAL LAW" TO PARAS 3 AND 4 OF ARTICLE 5, SINCE ARTICLE 8 SPECIFIED THAT THE PROVISIONS OF THE LAW WERE TO BE APPLIED IN HARMONY WITH THE PERTINENT NORMS OF INTERNATIONAL LAW AND EXISTING AGREEMENTS. THEREUPON, HE CAREFULLY READ OUT LOUD ARTICLE 8. HIS INTERPRETATION DIFFERED FROM THAT DERIVED FROM EMBASSY'S TRANSLATION TRANSMITTED REF B.

5. SPANISH TEXT OF ARTICLE 8 IS AS FOLLOWS: QUOTE
LAS DISPOSICIONES DE LA PRESENTE LEY SE APLICARAN EN ARMONIA CON LAS NORMAS PERTINENTES DEL DERECHO INTERNACIONAL Y LAS CONVENCIONES VIGENTES SOBRE LA MATERIA, LAS QUE SE APLICARAN A LA ZONA ECONOMICA EXCLUSIVA, EN LA MEDIDA EN QUE NO LE SEAN INCOMPATIBLES. END QUOTE

6. REVISED EMBASSY TRANSLATION OF THIS ARTICLE FOLLOWS: QUOTE
THE PROVISIONS OF THE PRESENT LAW WILL BE APPLIED IN HARMONY WITH THE PERTINENT NORMS OF INTERNATIONAL LAW AND THE CONVENTIONS IN EFFECT ON THE SUBJECT, THOSE APPLICABLE TO THE EXCLUSIVE ECONOMIC ZONE, TO THE EXTENT THAT THEY ARE NOT INCOMPATIBLE WITH IT. END QUOTE

7. JIMENEZ EMPHASIZED THAT THE PROVISIONS OF BILL WERE INTENDED TO BE CONSISTENT WITH INTERNATIONAL LAW. HE CLARIFIED, IN THIS LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 SANTO 01152 102122Z

CONNECTION, THAT IN ARTICLE 8, THE WORD "THEY" REFERRED TO THE "PROVISIONS OF THE PRESENT LAW" AND "IT" TO "INTERNATIONAL LAW." HE THOUGHT THEREFORE THAT THE PROPOSED ADDITION OF "IN CONFORMITY WITH INTERNATIONAL LAW" TO PARAS 3 AND 4 OF ARTICLE 5 WAS REDUNDANT AND REPETITIOUS. CHARGE RESPONDED THAT EXACT MEANING OF ARTICLE 8 WAS NOT ENTIRELY CLEAR FROM THE WORDING, THOUGH SECRETARY'S EXPLANATION MADE IT APPEAR THAT ARTICLE 8 COVERED IN SUBSTANCE INTENT OF PROPOSED ADDITIONAL LANGUAGE. HOWEVER, PROPOSED ADDITIONAL LANGUAGE IN THE TWO SPECIFIC PROVISIONS MIGHT BE USEFUL ANYWAY, FROM LEGAL STANDPOINT, IN TYING THE SUBJECTS OF THESE PROVISIONS, I.E. RESEARCH, RESOURCE EXPLORATION AND EXPLOITATION, AND POLLUTION, MORE CLOSELY TO INTERNATIONAL LAW. HE ADDED THAT HE WOULD CHECK FURTHER WITH STATE DEPARTMENT ON THIS POINT.

8. IN RESPONSE TO FOREIGN SECRETARY'S QUESTION AS TO PURPOSE OF PROPOSED CHANGES IN ARTICLE 6, SINCE PRESENT LANGUAGE WOULD PERMIT OTHER COUNTRIES FREE USE OF EZ FOR NAVIGATION AND COMMUNICATION, CHARGE NOTED THAT THERE MIGHT BE USES OF THE SEA OTHER THAN FOR NAVIGATION AND COMMUNICATION AND OTHER THAN THOSE RESERVED FOR

THE COASTAL COUNTRY IN THE EZ, WHICH IT WOULD BE HELPFUL TO MAKE
ALLOWANCE FOR, AND THAT PROPOSED CHANGES WOULD ALLOW MORE
FLEXIBILITY IN LOS NEGOTIATIONS ON THIS MATTER.

9. WOULD APPRECIATE RECEIVING DEPARTMENT'S GUIDANCE SOONEST ON
FOREGOING.

AXELROD

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LEGISLATION, MARITIME LAW
Control Number: n/a
Copy: SINGLE
Sent Date: 10-Mar-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977SANTO01152
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770083-0342
Format: TEL
From: SANTO DOMINGO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770373/aaaacmdd.tel
Line Count: 123
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 75f73dba-c288-dd11-92da-001cc4696bcc
Office: ACTION DLOS
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 SANTO DOMINGO 1024, 77 SANTO DOMINGO 1026
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 18-Jan-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3149336
Secure: OPEN
Status: NATIVE
Subject: PROPOSED DOMINICAN LEGISLATION TO EXTEND MARITIME JURISDICTION
TAGS: PLOS, DR
To: STATE
Type: TE
vdkgvwkey: odbs://SAS/SAS.dbo.SAS_Docs/75f73dba-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009